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### REMARKS

Claims 1-18 are all the claims presently pending in the application. Claim 18 has been amended to more clearly define the invention. Claims 1, 5, 8 and 18 are independent.

Applicant gratefully acknowledges that claims 1-17 are allowed. However, Applicant respectfully submits that all of the claims are allowable.

Entry of this \$1.116 Amendment is proper. Since the amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Harada, et al. (U.S. Patent No. 5,721,583), in view of Yoshioka, et al. (U.S. Patent No. 6,337,641 B1).

This rejection is respectfully traversed in the following discussion.

#### **I. THE CLAIMED INVENTION**

The claimed invention is directed to a method of analyzing data. The method includes determining if a direct communication link between a measuring instrument and an analyzing center is established, transmitting measurement data from the measuring instrument to the

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analyzing center if a direct communication link with the analyzing center is established, and transmitting measurement data from the measuring instrument directly to a terminal unit and transmitting the measurement data directly from the terminal unit to the analyzing center if the direct communication link between the measuring instrument and the analyzing center is not established. The measuring instrument and the terminal unit form a user system.

As shown in Fig. 1, conventional methods of analyzing data have relied upon a reliable communications link between a measuring unit 101 and the analyzing server 103. These conventional methods were unable to obtain an analysis of data generated by the measuring instrument 101 using the analysis server 103 if this link was disconnected.

By contrast, the present invention is capable of obtaining an analysis of the measured data even if there is no direct connection between the measuring unit and the server. The method of the present invention determines whether a direct communications link between the measuring instrument and the analyzing center is established, transmits the measurement data from the measuring instrument to the analyzing center if the direct communication link is established and transmits the measurement data from the measuring instrument directly to a terminal unit and transmits the measurement data directly from the terminal unit to the analyzing center if the direct communication link between the measuring instrument and the analyzing center is not established. In this manner, the present invention provides the ability to obtain an analysis of the measured data even if a direct communication link between the measuring instrument and the analyzing center is not established.

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## II. THE PRIOR ART REJECTION

Regarding the rejection of claim 18, the Examiner alleges that the Yoshioka et al. reference would have been combined with the Harada et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, the Harada et al. reference is directed to an improved interactive television system whereby each user can employ a remote control apparatus to request specific services or to participate in electronic polling (col. 1, lines 12-15). In particular, the Harada et al. reference is concerned with solving the problems experienced by interactive television systems by providing a system which prevents multiple polling responses from the same user (col. 5, lines 26-29), enable polling which is free from delay (col. 5, lines 30-33), enable users of the polling system to be individually notified of polling results (col. 5, lines 33-36), to ensure the privacy of users of the polling system (col. 5, lines 37-40), ensuring that detailed personal information is available for categorizing results (col. 5, lines 40-45), minimize the quantity of data which is transferred during polling (col. 5, lines 46-48), effectively utilization of user's polling rights (col. 5, lines 49-52), accurately identification of users requesting services (col. 5, lines 53-60), encryption of user identification data (col. 5, lines 61-67), providing a restriction control code (col. 6, lines 1-10) and obviating the need for data input when requesting services (col. 6, lines 11-18). The Harada et al. reference

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obtains these objectives by providing an identifier to each remote control in the interactive television system (col. 6, lines 24-26).

In contrast, the Yoshioka et al. reference is specifically directed to an emergency reporting network system for automotive vehicles and a terminal used in an emergency reporting network system (col. 1, lines 7-10). In particular, the Yoshioka et al. reference discloses an emergency reporting network system which is capable of informing a user of the system of the operating condition of the communication device (col. 1, line 62 - col. 2, line 3). One of ordinary skill in the art would not have been motivated to modify the interactive television system disclosed in the Harada et al. reference based upon the disclosure of the emergency reporting network system for automotive vehicles in the Yoshioka et al. reference because the emergency reporting network system for automotive vehicles disclosed in the Yoshioka et al. reference has absolutely nothing to do with an interactive television system.

These references are not only directed to completely different matters and problems but they are also from completely unrelated fields of art. Therefore, these references are non-analogous to not only the present invention but also to each other. Clearly, these references were obtained by the Examiner based upon a keyword search of the entire patent database using a keyword generated from the Applicant's own specification. Thus, the references would not have been combined, absent hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, the Examiner does not even support the combination by identifying a reason for combining the references.

The Examiner alleges that it would have been obvious to modify the interactive television system disclosed by the Harada et al. reference based upon the emergency reporting

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network system for automotive vehicles disclosed by the Yoshioka et al. reference "in order to provide a system which can still operate without any interruption even when the communication link is not established." The Examiner cites col. 2, lines 22-45 in an attempt to support this allegation. However, Applicant respectfully submits that not only does the Yoshioka et al. system not "provide a system which can still operate without any interruption even when the communication link is not established" as alleged by the Examiner, but that the citation provided by the Examiner to the Yoshioka et al. reference is directed to completely different matters and problems.

As explained above, the Yoshioka et al. reference is concerned with solving the problem of a user who feels uneasy because the user does not know whether emergency data has been successfully communicated after an accident occurs (col. 1, lines 21-25). The system disclosed by the Yoshioka et al. system addresses this concern by providing an informing device and a "seventh means" for informing the user of the operating condition of the communication device (col. 2, lines 40-45).

Contrary to the Examiner's allegation, the Yoshioka et al. reference does not disclose "a system which can still operate without any interruption even when the communication link is not established." Rather, the Yoshioka et al. reference merely discloses an emergency reporting network system for automotive vehicles which informs the user of the operating condition of the communication device. In other words, the emergency reporting network system for automotive vehicles does not provide any alternative if the communication device in the emergency reporting network system for automotive vehicles is not able to establish the communication link.

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This is in stark contrast to the present invention which is capable of providing an alternative communication path if the primary communication path (direct link between the measuring instrument and the analyzing center) is not available. The present invention determines whether the primary communication link is established between the measurement apparatus and the analyzing center and will transmit measurement data using that link if it is established. The present invention will transmit the measurement data using an alternative communication link via the terminal unit if the direct communication link is not established. Clearly the Yoshioka et al. reference does not disclose providing an alternative communication path should the primary communication link not be established. Rather, the Yoshioka et al. reference merely discloses informing the user of the status of communications.

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

As shown in Fig. 1, the Harada et al. reference discloses a center apparatus 101, a terminal apparatus 102 and a remote control apparatus 104. The Examiner alleges that the Harada et al. reference discloses "an instrument measuring an object in a user" and cites col. 10, lines 25-41. This portion of the Harada et al. reference discloses that the terminal apparatus 102 comprises means for measuring an elapsed time (col. 10, lines 26-28) and means for sending the elapsed time amounts to the center apparatus 101 via a data communication network (col. 10, lines 31-35). Therefore, the Examiner alleges that the data communication network corresponds to the claimed direct communication link.

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The Examiner admits that the Harada et al. reference does not disclose determining whether a direct communication link is established and transmitting the data from a measuring unit to a terminal unit and then to the analysis center if that link is not established.

The Examiner alleges that the Yoshioka et al. reference discloses the steps of determining whether a direct communication link between a measuring unit and an analyzing center is established and transmitting from the measuring unit to the analyzing center via a terminal unit if the direct communication link is not established. Applicant respectfully submits that the Yoshioka et al. reference does not remedy the deficiencies of the Harada et al. reference by failing to teach or suggest determining whether a direct communication link is established and transmitting from a measuring unit to the analyzing center via a terminal unit if a direct communication link is not established.

As is clearly shown in Figs. 1 and 3-8, the Yoshioka et al. reference only discloses a communication link from an accident detector 11 (measuring instrument) via a controller 13 and a communication device 2a to an emergency report receiving center (not shown but discussed at col. 1, lines 16-17). In other words, the Yoshioka et al. reference only discloses a single indirect communication link from the accident detector and the emergency report receiving center. The Yoshioka et al. reference does not teach or suggest a direct communication link which may be established directly from the accident detector 11 to the emergency report receiving center. Thus, the Yoshioka et al. reference also does not teach or suggest the ability to transmit data from a measuring unit to an analyzing center using a direct communication link. Therefore, contrary to the Examiner's allegation, the Yoshioka et al. reference does not teach or suggest determining if a direct communication link between the measuring instrument (accident detector) and an analyzing center (emergency report receiving

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center) is established because the Yoshioka et al. reference simply does not teach or suggest the capability of creating such a direct communication link.

Rather, as explained above, the Yoshioka et al. reference discloses determining whether a communication link is established between the communication device 2 and the emergency receiving report center so that a user may be kept informed using the informing device 4 as to the status of that communication to put a user at relative ease after an accident. Indeed, the Yoshioka et al. reference does not even disclose determining whether any communication link from the accident detector is established at all. Instead, the accident detector is merely used as a trigger to initiate communications between the communication device and the emergency receiving report center. In other words, the only communication by the accident detector which is disclosed by the Yoshioka et al. reference is upon the occurrence of an accident to the controller as a trigger. After that communication is successful in triggering the process, any link from the accident detector thereafter is irrelevant.

<sup>15</sup> Further, the Examiner alleged modification is non-sensical. The Examiner alleges that it would have been obvious to modify the interactive television system which includes a terminal apparatus 102 (measuring unit) with a direct communication link to the center apparatus 101 (analyzing center) by not only adding a second terminal unit (claimed terminal unit) but determining whether the direct link is established between the terminal apparatus 102 (measuring unit) and transmitting measurement data from the terminal apparatus 102 to another terminal unit if the direct communication link (data communication network) to the center apparatus 101 (analyzing center) does not exist. Clearly, providing two terminal units and two communication links would be far too costly for an interactive television network.



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As explained above, the present invention is capable of providing an alternative communication path if the primary communication path (direct link between the measuring instrument and the analyzing center) is not available. The present invention determines whether the direct communication link is established between the measurement apparatus and the analyzing center and will transmit measurement data using that direct link if it is established. However, the present invention also transmits the measurement data using an alternative communication link via the terminal unit if the direct communication link is not established. Clearly the Yoshioka et al. reference does not disclose providing an alternative communication path should the primary communication link not be established. Rather, the Yoshioka et al. reference merely discloses informing the user of the status of communications.

Clearly, these novel features are not taught or suggested by either of the Harada et al. or Yoshioka et al. references, either alone or in combination. Indeed, the applied references are completely unrelated to the claimed invention.

Therefore, the Examiner is respectfully requested to withdraw this rejection of claim 18.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claim <sup>5/1-</sup>18, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time. ✓

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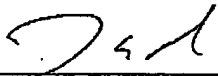
Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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6/16/03



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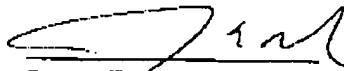
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment by facsimile with the United States Patent and Trademark Office to Examiner Xiuqin Sun, Group Art Unit 2863 at fax number (703) 872-9319 this 16<sup>th</sup> day of June, 2003.



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